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17 Videotaped Deposition of DANIEL MORRILL,  
18 taken at 333 Twin Dolphin Drive, Suite  
19 400, Redwood Shores, California, commencing  
20 at 9:43 a.m., Tuesday, July 12, 2011,  
21 before Leslie Rockwood, RPR, CSR No. 3462.

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## EXHIBIT 2-4

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| <p>1 would prevent those files from installing and running<br/> 2 correctly on other compatible devices. Device<br/> 3 implementers should use the reference upstream<br/> 4 implementation of Dalvik and the reference<br/> 5 implementations package management system."</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. Did you author this -- those two paragraphs?</p> <p>9 A. In this form, yes, but I did not originate<br/> 10 this section.</p> <p>11 Q. Okay. The last sentence that I read there<br/> 12 with respect to the reference upstream implementation of<br/> 13 Dalvik, does that refer to the Dalvik virtual machine?</p> <p>14 A. It would refer to the source code of the<br/> 15 Dalvik virtual machine, yes.</p> <p>16 Q. Okay. And pursuant to the CDD, Google is<br/> 17 instructing the device implementers should use the Dalvik<br/> 18 source code; is that correct?</p> <p>19 A. Device as it is written, device<br/> 20 implemented -- device implementers should use the<br/> 21 reference upstream implementation.</p> <p>22 Q. Okay.</p> <p>23 A. It's probably worth noting that this is<br/> 24 merely a reinforcement of the language in section --<br/> 25 well, in Section 1 in the introduction where we refer to,</p>                                     | <p>1 Android devices meet the performance thresholds that are<br/> 2 shown in the chart below in this Section 9?</p> <p>3 A. Section 9 is included in the CDD, and the CDD<br/> 4 is the definition of a compatible device, yes.</p> <p>5 Compatible devices must meet the performance<br/> 6 specifications in the table -- or in Section 9.</p> <p>7 Q. Okay. And if you look at the table there,<br/> 8 the first row of the table, well, second row, the first<br/> 9 row of data is application -- says "application launch<br/> 10 time." And the second column there says: "The following<br/> 11 applications should launch within the specified time:<br/> 12 Browser less than 1300 milliseconds, MMS-SMS less<br/> 13 than 700 milliseconds, alarm clock less than<br/> 14 650 milliseconds."</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Okay. It's required for an<br/> 18 Android-compatible device that these applications launch<br/> 19 in these specified times in order to be compatible under<br/> 20 the CDD; is that right?</p> <p>21 A. That is correct.</p> <p>22 Q. Why is -- why is speed important to Google<br/> 23 for the launch of applications?</p> <p>24 A. Because an end-user might obtain a phone and<br/> 25 unknowingly purchase a, you know, poor quality phone,</p>   |
| <p>Page 166</p> <p>1 again, the reference implementation and the upstream<br/> 2 Android Open Source Project.</p> <p>3 Q. Okay. Let's refer to Section 10 now. This<br/> 4 is on page -- page 18. I'm sorry, I misspoke. Let's<br/> 5 look at Section 9 on page 17. It's the bottom of<br/> 6 page 17.</p> <p>7 And the first paragraph, the first sentence<br/> 8 there says: "One of the goals of the Android<br/> 9 compatibility program is to enable consistent application<br/> 10 experience to consumers. Compatible implementations must<br/> 11 ensure not only that applications simply run correctly on<br/> 12 the device, but that they do so with reasonable<br/> 13 performance and overall good user experience."</p> <p>14 Do you see that?</p> <p>15 A. I do see that.</p> <p>16 Q. Did you write that portion?</p> <p>17 A. I actually think I did not, but I don't<br/> 18 recall clearly.</p> <p>19 Q. Okay. Do you have an understanding of what<br/> 20 "reasonable performance" means here?</p> <p>21 A. In context it would refer to the contents of<br/> 22 the table immediately following, but I do not have a<br/> 23 precise answer for what "reasonable performance" would<br/> 24 be meant -- or would mean here.</p> <p>25 Q. Okay. Is it a requirement of the CDD that</p> | <p>Page 168</p> <p>1 such as it might have an obsolete processor in it or it<br/> 2 might have a, you know -- excuse me -- a poor driver<br/> 3 implementation or some other defect that makes it<br/> 4 unreasonably slow or at least slower than its competitors<br/> 5 in its class.</p> <p>6 This user would then install applications on<br/> 7 it, you know, such as from Android market and then judge<br/> 8 the quality of those applications in a negative light<br/> 9 because the device is slow. In other words, the device's<br/> 10 poor performance would reflect -- in the user's eyes,<br/> 11 would reflect poorly on the application. Whereas if the<br/> 12 user were more informed and knowledgeable, they would<br/> 13 know that the blame should properly be placed on the OEM.</p> <p>14 The intent of this section in the CDD is to<br/> 15 make sure that Android devices meet a minimal threshold<br/> 16 of performance to rule out the scenario that I just<br/> 17 described. So that we can rely on the fact that<br/> 18 applications will launch in a reasonable amount of time<br/> 19 and that the user will not blame third-party developers<br/> 20 for the errors or implementation issues of an OEM.</p> <p>21 Q. Is the launch speed of applications something<br/> 22 that's important to consumers?</p> <p>23 A. In the way I just described, yes.</p> <p>24 Q. Okay. And are you aware of portions of<br/> 25 Android or elements of Android that are designed to</p> |

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